

# **Exhibit E**

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
DEPARTMENT OF  
THE TRIAL COURT

\_\_\_\_\_  
COMMONWEALTH

v.

\_\_\_\_\_  
LEON ROBINSON

CRIMINAL NO.  
2001-CR-10384

**RESPONSE OF NON-PARTY AMERICAN BROADCASTING COMPANIES,  
INC. TO DEFENDANT'S SUBPOENA**

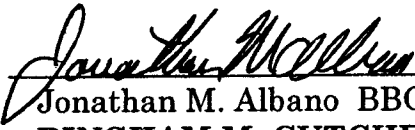
American Broadcasting Companies, Inc. ("ABC"), a non-party to this action, responds to the subpoena of the defendant (a copy of which is attached hereto as Exhibit A) as follows:

Without waiving any objections as to the issuance, service and enforceability of the subpoena, ABC states that (a) it has made a diligent search for a videotape made on or about February 21, or February 22, 2001, of events related to the execution of a search warrant of defendant's premises; and (b) no such videotape has been found.

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**AMERICAN BROADCASTING  
COMPANIES, INC.**

By its attorneys,

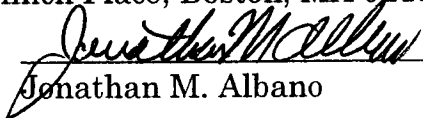
  
Jonathan M. Albano BBO# 013850  
**BINGHAM McCUTCHEN LLP**  
150 Federal Street  
Boston, MA 02110  
(617) 951-8000

**OF COUNSEL:**  
Henry S. Hoberman  
David T. Seiden  
**American Broadcasting  
Companies, Inc.**  
77 West 66<sup>th</sup> Street  
New York, NY 10023

Dated: December 19, 2003

**Certificate of Service**

I, Jonathan M. Albano, certify that on December 19, 2003, I caused a copy of this document to be served by hand on James H. Budreau, Esq., 20 Park Plaza, Suite 905, Boston, MA 02116 and A.D.A. Mark Lee, Suffolk County District Attorney's Office, 1 Bulfinch Place, Boston, MA 02114.

  
Jonathan M. Albano

## The Commonwealth of Massachusetts

Suffolk ss.

To: Keeper of the Records, American Broadcasting Services, 77 West 66<sup>th</sup> Street, NY, NY C/O CT Corporation, 101 Federal Street, Boston, MA 02110

You are hereby commanded, in the name of the Commonwealth of Massachusetts, to appear before the Suffolk Superior Court Department of the Trial Court holden at, 90 Devonshire Street, Boston, MA, 02109 within and for the county of Suffolk on the 22<sup>nd</sup> day of December, 2003 at 2:00 o'clock in the AFTER noon, and from day to day thereafter, until the action hereinafter named is heard by said Court, to give evidence of what you know relating to an action of Criminal then and there to be heard and tried between Commonwealth Plaintiff, and Leon Robinson, 2001-10384 Defendant, you are further required to bring with you

Any and all documents and film relating to the filming of 24/7 show or other documentary or news program involving the Boston Police on February 21, and February 22, 2001. Also include any letters, correspondence, inter-office memos, etc. Report to the Magistrates Session located on the 9<sup>th</sup> floor of the courthouse. Contact attorney James Budreau for the defendant, upon receipt 617-227-3700.

This subpoena is issued at the request of the indigent defendant per Chapter 233, Sections One and Three.

Hereof fail not, as you will answer your default under the pains and penalties in the law in that behalf made and provided.

Dated at Methuen the 14<sup>th</sup> day of December A.D. 2003.

A TRUE  
ATTESTED COPY

  
Scott A. Keller - Notary Public  
My Commission Expires 12-22-06

EXHIBIT A